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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,375	02/13/2004	Hye Sook Hwang	2080-3-229	9026
35884 7590 04/29/2008 LEE, HONG, DEGERMAN, KANG & SCHMADEKA 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER				
FEATHERSTONE, MARK D				
ART UNIT		PAPER NUMBER		
2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,375

Applicant(s)

HWANG, HYE SOOK

Examiner

MARK D. FEATHERSTONE

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Detailed Action

Response to Amendment

1. Response to Amendment filed 3/17/2008.
2. Claims 1 and 5 have been amended. Claims 2-4, and 7 have been canceled.
Claim 8 has been newly added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Russ et al, US PG Pub # 20040068739" in view of "Sweatt et al, US PG Pub # 20020038358".

With regard to claim 1, Russ discloses:

A method for providing a history of viewed broadcasting programs, the method comprising:

selecting a broadcast signal ([0023]; Russ discloses receiving a signal at a set-top terminal; [0034]; Russ describes a tuner as part of the system);

extracting program data related to the history of the viewed broadcasting programs from the selected broadcasting signal ([0025]; Russ discloses receiving metadata information via an interactive program guide);

creating an electronic program guide (EPG) picture using the extracted program data (Fig. 8 and [0045]; Russ discloses a form of an EPG that lists programs being viewed at different receivers, which includes the title of the program); storing the program data at the predetermined time period set by the user ([0045]; Russ discloses that the primary device can "easily store in memory the past information for each device"); and displaying the program data related to the history of the viewed broadcasting programs in a list form (Fig. 8; Russ illustrates the displaying of the viewed history; [0045]; Russ states that the user can view the past history for a predetermined amount of time), wherein titles and viewing times of each of the broadcasting programs viewed during the predetermined time are stored in a memory (Fig. 8 and [0047]; Russ discloses an embodiment in which the remote devices send signals to update their activity each time a channel is changed)

Russ in [0045] does disclose that the history can be stored for a "predetermined" amount of time; Russ also discloses (Figure 9) a function in which a user can change individual settings, however he is silent on as to how the amount of time is determined. Sweatt, in his application, discloses the user manually setting a storing time of program data ([0190]).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Russ with the feature taught by Sweatt to

create a system that records information for a time as determined by the user. The advantage of this would be that the user could gather data only during a time of interest.

Claim 5 is the system of method claim 1, and is rejected on this basis.

With regard to claim 6, Russ and Sweatt teach the means for inputting user's history search request and history set request, in that the combination of the two references teaches the ability of the user to search the history of watched programs for a period of time as set by the user. Further, in [0044]; Russ discloses the use of a remote control to make entries

Claim 8 is the apparatus of claim 5 with the addition of a display unit to display the history of viewed programs. Russ discloses this feature [0045]; Russ discloses that the network guide displays the current activity of remote devices)

Response to Arguments

3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Art Unit 2623

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623